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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,829	04/28/2006	Thomas F. Gustafson	1215.016PCT.US	5174
27353 7590 05/13/2008 MELVIN K. SILVERMAN AND ASSOC'S PC 500 WEST CYPRESS CREEK ROAD SUITE 350 FT. LAUDERDALE, FL 33309				
EXAMINER				
FRANKS, RYAN J				
ART UNIT		PAPER NUMBER		
3633				
MAIL DATE		DELIVERY MODE		
05/13/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/538,829

Applicant(s)

GUSTAFSON, THOMAS F.

Examiner

RYAN J. FRANKS

Art Unit

3633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/88)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Objections

1. Claims 1, 4, 11, and 18 are objected to because of the following informalities:

Examiner believes that part (a) of claim 1 should read "parking access aisles;" in place of "parking access aisle". Also, in the last line of (b) "unit" should be changed to "units".

In claim 4, "xterior" should be changed to "exterior".

In the second to last line of claim 11, the word "walls" should be changed to "wall".

In claim 18, examiner believes that "liner" was intended instead of "linear" and should be changed accordingly.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claims 1-6, 9-16, and 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Mason (US Patent 1,830,518).

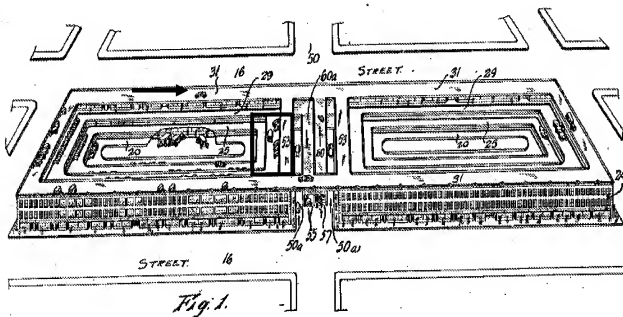


Fig. 1 from Mason

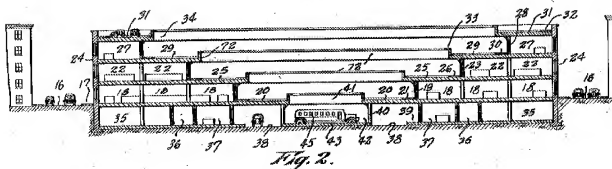


Fig. 2 from Mason

Regarding claim 1, Mason discloses a "mixed-use pedestrian parking structure (Fig. 1 in general) comprising:

- (a) at least two sequential multi-level parking units (Fig. 1, right and left buildings separated by intermediate street 50), each having one directional parking access aisle[s] (Fig. 1, element 25);
- (b) a liner building surrounding [the] parking units on at least one side of each of [the] sequential multi-level parking unit[s] (Fig. 2, elements 35, 18, 22, 27; page 4, lines 9-10 and 15-16); and
- (c) a multi-use buffer corridor (Fig. 2, element 36) defining an interface (Fig. 2, element 37) between [the] parking units (Fig. 2, element 25) and [the] liner building (Fig. 2, elements 35, [the] liner building including at least one common wall (interior wall 28) with [the] buffer corridor, [the] wall including means for access to and from [the] buffer corridor (page 4, line 67 defines names element 36 as a passageway; page 4 lines 39-42)."

Regarding claim 2, Mason discloses "at least one exterior pedestrian-oriented corridor between at least one set of [the] sequential parking units (Fig. 2, element 32 around roadway/parking 31)."

Regarding claim 3, Mason discloses a "pedestrian-oriented....ground level corridor" (Fig. 2, element 17).

Regarding claim 4, Mason discloses “an interior pedestrian corridor, transverse to [the] exterior corridor, [the] interior corridor substantially bisecting [the] at least two parking units (Fig. 1, portion of element 21 parallel with street 50).

Regarding claims 5 and 6, Mason discloses “a central atrium within at least one of [the] parking units (Fig. 1, right and left parking units have an open air atrium by nature of their inverted-pyramid design at the bottom of which lies parking/roadway 20).”

Regarding claim 9, Mason discloses “means for angled parking on a parking deck of each unit, situated about [the] central atrium (Fig. 9, boxed area shows cars parked at an angle).”

Regarding claim 10, Mason discloses “means for parallel parking along an outer edge of a parking deck of each unit” (Fig. 9, dark arrow shows car parallel to outer edge of parking deck).

Regarding claim 11, Mason discloses a “mixed-use pedestrian parking structure (Fig. 1 in general) comprising:

(a) at least two multi-level parking units (Fig. 1, right and left buildings separated by intermediate street 50), each having one directional parking access aisle[s] (Fig. 1, element 25);

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(b) a liner building surrounding [the] parking units on at least two sides of each parking unit (Fig. 2, elements 35, 18, 22, 27; page 4, lines 9-10 and 15-16), [the] liner building including at least one common wall with [the] parking units (Fig. 2, element 28), [the] wall including means for access to and from [the] inner building (column 4, lines 39-42)."

Regarding claim 12, Mason discloses "at least one exterior pedestrian-oriented corridor between at least one set of [the] sequential parking units (Fig. 2, element 32 around roadway/parking 31)."

Regarding claim 13, Mason discloses a "pedestrian-oriented....ground level corridor" (Fig. 2, element 17).

Regarding claim 14, "an interior pedestrian corridor, transverse to [the] exterior corridor, [the] interior corridor substantially bisecting [the] at least two parking units (Fig. 1, portion of element 21 parallel with street 50).

Regarding claim 15, Mason discloses "a central atrium provided within the parking units (Fig. 1, right and left parking units have an open air atrium by nature of their inverted-pyramid design at the bottom of which lies parking/roadway 20)."

Regarding claim 16, Mason discloses "a multi-use buffer corridor (Fig. 2, element 36) defining an interface (Fig. 2, element 37) between [the] parking units (Fig. 2, element

25) and [the] liner building (Fig. 2, elements 35, [the] liner building including at least one common wall (interior wall 28) with [the] buffer corridor, [the] wall including means for access to and from [the] buffer corridor (page 4, line 67 defines names element 36 as a passageway; page 4 lines 39-42)."

Regarding claim 18, Mason discloses "at least one corridor contiguous with [the] at least one common wall" (Fig. 2, wall 28 is contiguous with corridor 36).

Regarding claim 19, Mason discloses "a cross-over ramp between [the] sequential parking units" (Fig. 1, element 53/31 on top level)."

Regarding claim 20, Mason discloses "means for angled parking on a parking deck of each unit, situated about [the] central atrium (Fig. 9, boxed area shows cars parked at an angle)."

Regarding claim 21, Mason discloses "means for parallel parking along an outer edge of a parking deck of each unit" (Fig. 9, dark arrow shows car parallel to outer edge of parking deck).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 7, 8, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mason (US Patent 1,830,518) in view of Johnston (US Patent 6,209,270).

Regarding claims 7, 8, and 17, Mason discloses an apparatus as described previously with claims 1, 2, and 16, but lacks that the "buffer corridor includes HVAC facilities."

Johnston teaches that it is known in the art to provide multi-level buildings in which vehicles are operated with HVAC facilities (column 2, lines 60-64).

The use of HVAC facilities has provides for ventilation of gasses produced by vehicles in the structure.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Mason by using HVAC facilities similar to that of Johnston in order to provide ventilation of the gasses produced by vehicles in the structure, and to place it in the buffer corridor to prevent the facilities noises from disrupting users.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN J. FRANKS whose telephone number is (571) 270-3743. The examiner can normally be reached on Mon.-Thurs., 8:30-7:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian Glessner
Supervisory Patent Examiner
Art Unit 3633

/R. J. F./
Examiner, Art Unit 3633

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/Brian E. Glessner/

Supervisory Patent Examiner, Art Unit 3633